



# STATE OF IDAHO

## DEPARTMENT OF AGRICULTURE

C.L. "BUTCH" OTTER  
Governor  
CELIA R. GOULD  
Director

SENT VIA USPS AND EMAIL

March 11, 2014

Idaho Hop Commission  
c/o Diane Gooding Haas  
Gooding Farms, Inc.  
23669 Batt Corner Rd  
Parma, ID 83660  
dhaas@goodingfarms.com

Dear Ms. Haas,

Re: Idaho Hop Commission Rule Change Request

On March 4, 2014, the Idaho State Department of Agriculture ("ISDA") received the Idaho Hop Commission's ("IHC") request to amend the Rule Governing Diseases of Hops. I appreciate you contacting the ISDA with your concerns.

I understand you met recently with Mike Cooper, Bureau Chief for the Division of Plant Industries, to discuss IHC's need to bring Idaho's hop rule in line with those of Oregon and Washington. Mike explained that the process for amending Idaho administrative rules is multi-layered. He requested that you send IHC's suggested rule change to ISDA in writing.

After internal review of your petition, the ISDA has determined the request to be beyond the scope of the usual rulemaking process. Ordinarily, executive agencies may promulgate negotiated or temporary rules under the Idaho Administrative Procedures Act and any statutes which provide rulemaking authority for the particular issue being addressed by the rule. The Idaho Legislature then reviews the rules in the following legislative session. However, the IHC's petition requests the establishment of a statewide quarantine, and the Plant Pest Act of 2002, places additional requirements on the ISDA in regard to rules establishing quarantines. Idaho Code provides:

The director, by and with the approval of the governor, may, after investigations or hearings, establish, maintain and enforce quarantines as the director deems necessary to protect any and all plants against infestation or infection by any plant pest, new to or not heretofore widely prevalent or distributed within or throughout the state of Idaho. Quarantine rules issued under this chapter shall be promulgated in accordance with chapter 52, title 67, Idaho Code.

Idaho Code § 22-2012.

Ms. Diane Gooding Haas

March 11, 2014

Page 2 of 2

Therefore, in order to issue a quarantine, the ISDA must conduct investigations and/or hearings, and obtain the governor's approval, in addition to promulgating rules under the rulemaking process set forth in the Idaho Administrative Procedures Act.

We appreciate the concern shared by hop producers to ensure the health and productivity of the industry. At the same time, the ISDA has an obligation to ensure that rulemaking is carried out in a transparent, thoughtful and engaged manner. Moreover, Idaho Code necessitates investigation into a proposed quarantine. To that end, the ISDA will organize a meeting for potential stakeholders with an interest in growing or selling hops. We intend to hold that meeting in the very near future in an attempt to move quickly on your request. We strongly encourage you and other IHC members to attend the meeting and add to the discussion.

Sincerely,



Celia Gould  
Director

cc: Cally Younger, Associate Counsel, Office of the Governor  
Mike Cooper, Bureau Chief, Division of Plant Industries  
Lloyd Knight, Administrator, Division of Plant Industries  
ISDA Legal